

ATTACHMENT

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Statement Explaining Why
I am Seeking This Position

STATEMENT EXPLAINING WHY I AM SEEKING A POSITION ON THE ARIZONA COURT OF APPEALS

For all its imperfections, the rule of law in this nation truly is a wonder, and it is no wonder that it is the envy of the world. Under our constitution, it is for the congress, the people's representatives, to make new laws, for the executive to ensure those laws are faithfully enforced, and for neutral and independent judges to apply the law in the people's disputes. If judges were just secret legislators, declaring not what the law is but what they would like it to be, the very idea of government by the people and for the people would be at risk. Those who came to the court would live in fear, never sure exactly what governs them except the judge's will. As Alexander Hamilton explained, liberty can have nothing to fear from judges who apply the law, but liberty has everything to fear if judges try to legislate too. To be a judge, and a part of such an awe-inspiring system as our system of government is, would be an honor and a privilege.

My great-grandparents left their tribal lands to find a better life for their children. My grandfather made his living through Arizona's copper mines, working over fifty years in the same job, in order to support his family. My grandmother raised four children in a tiny, two-bedroom home in a small Arizona town. My father served his country in the Navy, while my mother raised six children. There is no question on whose shoulders I stand. I am who I am because of those who I have come from. My grandparents and my parents taught me the value of service to country, the value of working hard no matter how hard the work, and above all else, the value of family. These have been my values throughout my life, and they are the same values that motivate me to seek a position on the court.

I believe that putting on a black robe does not imbue anyone with wisdom. Instead, putting on a robe should remind a judge that it's time to lose her ego, and open her mind. I believe that good judges are ones that are always open to the possibility of changing their minds based on the next brief that they read, or the next argument that is made by an attorney who is appearing before them, or a comment that is made by a colleague during discussions regarding the case. Chief Justice Warren Burger, when asked the basis for his decision on a case, is rumored to have replied, "We are the supreme court. We can do anything we want." He was wrong. The judge's robe is not a symbol of superior knowledge or power, and a judge's robe does not mean that a person possesses judgment above that of his fellow citizens, or their elected representatives. Rather, the judge's robe is a reminder of the modest station judges are meant to occupy in our democracy. In other countries, judges wear scarlet and gold, silk and fine cloths. Ours is a judiciary of plain and honest black polyester. Wearing that simple black robe, and being a part of that honest judiciary, is a goal that I find worth pursuing.

Words matter and a judge's job is to follow the words that are in the law, not to replace them with words that are not. But a legal case isn't just some number or a name;

it is a person, it is a life story. Sometimes, the fact that people will be affected by rulings can make a judge's job hard because sometimes, a judge's obligation to follow the law wherever it goes without fear or favor to anyone, means that a judge will reach decisions that she does not like. A judge who likes every outcome she reaches is probably a pretty bad judge. Sometimes the result the law compels is not personally desirable, but a judge's commitment to the rule of law means that in every single case, the judge has to do what the law requires. There is nothing more important to this country than the rule of law, and my commitment to the rule of law is also part of why I am seeking a position on the court.

I have had the honor of spending the vast majority of my career in public service. I have learned a lot during my years serving in the military and as a lawyer. In traveling to other countries who lacked our constitution and our system of government, I learned the value of our democratic system. As an attorney, both in the military and as a civilian, I learned the way a judge should go about judging to preserve the democracy which is at the heart of this nation and its freedom. My military service and service as an assistant attorney general gave me the opportunity to use whatever talent I have to serve our country and our state by upholding the rule of law. When I was sworn in as an officer in the United States Navy, and at every military promotion, I swore an oath to protect and defend the constitution of the United States. I have always taken my oath seriously, and strived to fulfill it to the best of my ability.

In short, I seek the honor of upholding the constitutions and laws of this country and this state as a judge on the court of appeals because the work of judges helps make the promises of our constitutions and laws be realized. Our democracy does not work without people who are willing to do the work. In every case that comes before the court, from simple contract disputes to questions of constitutional law, a judge who fairly and justly applies the law contributes to the promises of democracy. It is work that is well worth doing. It is work that I believe I could do, and do well.